IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2759 OF 1987

A.L.A. Chemicals Limited : Plaintiff

V/s.

Ilac Limited : Defendant

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Mr.C.D.Patel i/b. Ms.Kanga & Co., for the plaintiff.

None present for the defendant.

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CORAM : S.A.BOBDE, J.

Date of Reserving the Order.) : 9.2.2007

Date of Pronouncing the Order) : 26.2.2007

O R D E R:

1. On 21st June 1998, the defendant was granted eight weeks' time to file written statement, when the suit was transferred to the list of commercial causes. Admittedly, no written statement is filed. The matter was called out today, but none appeared on behalf of the defendant. In the circumstances, it is appropriate to proceed to decide the matter under Order VIII Rule 10 of the C.P.C.

2. The suit is for recovery of unpaid price of goods supplied to the defendant, being various types of ALA mark

stabilisers. The plaintiff has ascertained that they have delivered the goods worth Rs.3,49,484.30 i.e. the value of the bill raised by the plaintiff.

3. The defendant has paid a sum of Rs.61,600/- and has not paid the balance amount of Rs.2,87,884.30. The plaintiff, therefore, demanded the amount by a notice dated 29th June, 1987 which, according to the averments in the plaint, was not complied with. The particulars of claim set up by the plaintiff are as follows:-

	Amount Rs.
Total outstanding amount as per statement.	3,49,484.80
Less: Amount received	61,600.00
Net amount due	2,87,884.30
Add: Interest @ 20% from due date till 12.8.1987	1,71,858.54
Total amount due	4,59,742.84

4. In view of the uncontroverted statements in the plaint, I consider it appropriate to decree the suit in the sum of Rs.4,59,742.84 with interest on Rs.2,87,884.30 at the rate of 12% per annum from the date of the suit till payment or realisation.

5. Decree be drawn up accordingly.

S.A. BOBDE, J.